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Agenda item 5
Use and application of United Nations standards and norms in crime prevention and criminal justice

Results of the meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues

Report of the Secretary-General

Addendum

Questionnaire on United Nations standards and norms related primarily to victim issues*

The purpose of the present questionnaire is not to monitor compliance with standards and norms but, rather, to collect targeted information in order to provide examples of their use and application and potentially identify specific needs, with a view to improving technical cooperation.

Report of the Government of:

_____

Date of receipt of questionnaire:

_____

* The present questionnaire, which was first issued in E/CN.15/2007/3, annex I, is reissued here as an addendum in order to reflect changes introduced by the secretariat of the Commission.

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Part I

Legislative measures

1. Who in your country has responsibility for enacting and implementing legislative measures relating to victims?[1]

[1] "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. A person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. It also means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights (see paras. 1, 2 and 18 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex)).

2. Please provide below examples of legislation dealing with victims of crime enacted in your country, including measures to address the needs of special groups of victims (for example, children and victims of terrorism, trafficking, domestic violence, sexual abuse, abuse of power or drug-related crime or other groups of victims).

General description **Title and reference**

_____

_____

_____

Date of adoption

_____

None ☐

If none, please explain why no such legislative measures have been enacted in your country, then go to question 6.

_____

_____

_____

3. Does your country have legislative measures to address the special situation of child victims?

_____

_____

_____

4. What difficulties, if any, have been encountered in the implementation of those legislative measures?

_____

_____

_____

5. Do you have any best practices to report that could help other countries? (Please specify.)

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Part II

Assistance and support to victims

6. (a) To what extent do victims of crime receive the types of assistance described in the table below?

6. (b) In cases where such assistance is not provided free of charge, is it made available to those who are unable to pay?

Type of assistance	*Frequency of receipt of assistance by victims of crime*					*Assistance available to those unable to pay (tick box)*
	Never	Rarely	Sometimes	Usually	Always	
Immediate crisis assistance	☐	☐	☐	☐	☐	☐
Material support (including financial support)	☐	☐	☐	☐	☐	☐
Medical care	☐	☐	☐	☐	☐	☐
Psychological assistance	☐	☐	☐	☐	☐	☐
Social assistance	☐	☐	☐	☐	☐	☐
Educational assistance	☐	☐	☐	☐	☐	☐
Legal assistance	☐	☐	☐	☐	☐	☐
Protection	☐	☐	☐	☐	☐	☐
Long-term assistance (rehabilitation, reintegration, etc.)	☐	☐	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐	☐	☐

7. (a) Do victims of crime in your country have access to State-funded legal assistance throughout the criminal justice process?

Yes ☐ No ☐

7. (b) Is that assistance also available to non-nationals?

Yes ☐ (Please specify.) No ☐

_____

_____

_____

8. To what extent do child victims receive specific assistance measures?

Never	*Rarely*	*Sometimes*	*Usually*	*Always*
☐	☐	☐	☐	☐

9. Who are the main providers of these services? (Please tick appropriate box(es).)

Government institutions/agencies ☐

Non-governmental organizations ☐

Other (please specify) ☐

10. What mechanisms, if any, are in place at the local or national level to coordinate the provision of victim assistance services? (Please specify.)

_____

_____

_____

11. Are measures in place in your country to facilitate the exchange of information and expertise between governmental and non-governmental agencies dealing with victims?

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

_____

_____

12. Has your country adopted national policies and/or standards for the delivery of victim assistance?

Yes ☐ No ☐

If the answer is "Yes", please specify and include the year in which the policies and/or standards were introduced.

_____

_____

_____

Part III

Information

A. General information provided to the public

13. In your country, have any education or information initiatives been undertaken to raise public awareness on the detrimental effects of crime and the needs of victims?

Yes ☐ No ☐

If the answer is "Yes", please provide some examples of successful initiatives.

_____

_____

_____

B. Specific information provided to victims

14. Are the following data or information provided to victims in your country? (If this service is not available in your country, please tick "not applicable".)

	Never	*Rarely*	*Sometimes*	*Always*	*Not applicable*
Availability of health, psychological, social and other services, as well as means of accessing such services	☐	☐	☐	☐	☐
Availability of legal advice	☐	☐	☐	☐	☐
Cost of legal advice, where relevant	☐	☐	☐	☐	☐
Availability of legal aid	☐	☐	☐	☐	☐
Cost of legal aid, where relevant	☐	☐	☐	☐	☐
How and in which circumstances to obtain protection	☐	☐	☐	☐	☐
Possibility of obtaining restitution from the offender	☐	☐	☐	☐	☐
Possibility of obtaining compensation from the State, where applicable	☐	☐	☐	☐	☐
Possibility of obtaining emergency financial support, where applicable	☐	☐	☐	☐	☐
Existing opportunities to obtain restitution from the offender and compensation from the State through civil proceedings or other processes	☐	☐	☐	☐	☐
Custodial status of the offender	☐	☐	☐	☐	☐

	Never	*Rarely*	*Sometimes*	*Always*	*Not applicable*
Existing support mechanisms for the victim when making a complaint and participating in the investigation and court proceedings	☐	☐	☐	☐	☐
Other, please specify	☐	☐	☐	☐	☐

15. Please indicate whether victims/witnesses are provided with the types of information listed below.

	Victims in general		*Child victims**		*Child witnesses**	
	Yes	No	Yes	No	Yes	No
The justice process and the victim's role (status) within it	☐	☐	☐	☐	☐	☐
Availability of protective measures	☐	☐	☐	☐	☐	☐
The timing and manner of testimony	☐	☐	☐	☐	☐	☐
The timing and manner of remedies	☐	☐	☐	☐	☐	☐
The way the questioning will be conducted	☐	☐	☐	☐	☐	☐
The specific locations and times of hearings and other relevant events	☐	☐	☐	☐	☐	☐
Existing mechanisms for review of decisions affecting victims	☐	☐	☐	☐	☐	☐
Progress of proceedings	☐	☐	☐	☐	☐	☐
Disposition of the specific case	☐	☐	☐	☐	☐	☐
Apprehension and arrest of the suspect	☐	☐	☐	☐	☐	☐
Custodial status of the accused and any pending changes to that status	☐	☐	☐	☐	☐	☐
Prosecutorial decision and post-trial developments	☐	☐	☐	☐	☐	☐
Outcome of the case	☐	☐	☐	☐	☐	☐
Other information (please specify)	☐	☐	☐	☐	☐	☐

* This may include, as appropriate, their parents, guardians or legal representatives.

16. Are measures in place to ensure that victims in your country receive the information they need in a language and a manner they understand?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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_____

_____

17. Have measures been undertaken in your country to ensure that information to victims is transmitted in a timely manner?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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Part IV

Victims in the framework of the justice process[2]

18. In your country, do the following categories of criminal justice and other officials generally receive specific training on how to deal with victims in general and/or child victims and witnesses[3] (including interviewing, questioning and cross-examination) so as to avoid secondary victimization?[4]

	Victims in general		*Child victims and witnesses*	
	Yes	No	Yes	No
Police	☐	☐	☐	☐
Prosecutors	☐	☐	☐	☐
Judges	☐	☐	☐	☐
Lawyers	☐	☐	☐	☐
Corrections officials	☐	☐	☐	☐
Immigration officials	☐	☐	☐	☐
Social workers	☐	☐	☐	☐
Medical staff	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐

[2] "Justice process" encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice (see para. 9 (c) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex)).

[3] "Child victims and witnesses" denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or group of offenders (see para. 9 (a) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime).

[4] "Secondary victimization" refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim; see United Nations, Office for Drug Control and Crime Prevention, *Handbook on Justice for Victims* (New York, 1999), p. 9.

19. In your country, are support mechanisms widely available to victims in general and/or child victims and witnesses at the stages of the justice process listed below?

	Victims in general		*Child victims and witnesses*	
	Yes	No	Yes	No
Making of a complaint (reporting a crime)	☐	☐	☐	☐
Investigation	☐	☐	☐	☐
Court proceedings	☐	☐	☐	☐
Post-trial procedures	☐	☐	☐	☐
Correctional proceedings (e.g. Parole hearings)	☐	☐	☐	☐
Other proceedings (please specify)	☐	☐	☐	☐

20. Does your country have in place specific measures to facilitate the testimony of child victims and witnesses (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

_____

_____

21. Does your country have in place measures to facilitate the testimony of other vulnerable victims[5] (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

_____

_____

[5] For example, victims of organized crime, victims of human trafficking, victims of terrorism, victims of violence in intimate relationships, victims of violence against women and victims of sexual violence.

22. Does your country allow the views and concerns of victims to be presented and considered at appropriate stages of the justice process where their personal interests are affected?

Yes ☐ No ☐

If the answer is "Yes", please provide details.

_____

_____

_____

23. Does your country allow victims to provide information to the court on the impact the crime has had on them?[6]

Yes ☐ No ☐

If the answer is "Yes", please provide details.

_____

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Part V

Informal mechanisms for the resolution of disputes

24. Does your country allow, when appropriate, the use of informal mechanisms for the resolution of disputes, such as mediation, arbitration, customary justice and indigenous practices, in order to facilitate conciliation and redress for victims?

Yes ☐ No ☐

If the answer is "No", please go to question 27. If the answer is "Yes", please provide details.

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[6] In some common law countries, this is done through a "victim impact statement" whereby the victim can fill out a form (often with the assistance of the prosecutor or another authority) in which he or she indicates what impact the offence has had, what property was lost or damaged, what other financial losses resulted and how the event has disrupted his or her life. In other jurisdictions such as civil law countries, victims may be recognized as "partie civile", thereby enabling them to participate in the proceedings and inform the court of how the offence has affected them physically, mentally or otherwise. See *Handbook on Justice for Victims*, p. 39.

25. Is the recourse to informal mechanisms for the resolution of disputes regulated by appropriate guidelines or standards, such as the Basic Principles on the Use of Restorative Justice Programmes in criminal matters?[7]

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

_____

_____

26. Is support provided to victims who participate in the above informal mechanisms?

Yes ☐ No ☐

If the answer is "Yes", please specify the type of support provided and by whom.

_____

_____

_____

Part VI

Privacy

27. Does your country have in place measures to protect the privacy of victims (for example, publication bans, in camera trials)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

_____

_____

28. Does your country have in place specific measures to protect the privacy of child victims and witnesses (for example, publication bans, in camera trials)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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[7] Economic and Social Council resolution 2002/12, annex.

29. Have guidelines been adopted in your country for/by the media in order to protect the interests of victims and to curtail victimization?

Yes ☐ No ☐

If the answer is "Yes", please describe.

_____

_____

_____

30. Have specific guidelines been adopted in your country for/by the media in order to protect the interests of child victims and witnesses and to curtail victimization?

Yes ☐ No ☐

If the answer is "Yes", please describe.

_____

_____

_____

Part VII

Restitution[8] and compensation[9]

31. Does the law of your country allow the victim (and where appropriate, the family and/or dependants of the victim) to obtain restitution from the offender in the context of criminal proceedings? (Please tick the appropriate box(es).)

Victim ☐

Family of the victim ☐

Dependants of the victim ☐

32. If the law of your country allows for restitution, can it include the following? (Please tick the appropriate box(es).)

Return of property ☐

Reimbursement of expenses incurred ☐

Provision of services ☐

[8] "Restitution" means that offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights (see para. 8 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

[9] "Compensation" means financial compensation provided by the State when compensation is not fully available from the offender or other sources (see para. 12 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

Restoration of rights ☐

Payment for harm or loss suffered ☐

Other (please specify) ☐

_____

_____

_____

_____

33. Does the law of your country recognize restitution orders as an available sentencing option?

Yes ☐ No ☐

34. Does your country have in place appropriate mechanisms to execute restitution orders?

Yes ☐ No ☐

If the answer is "Yes", please describe.

_____

_____

_____

35. In your country, is there in place a State compensation scheme for victims (and, where appropriate, the family and/or dependants of the victim)? (Please tick appropriate box(es).)

Victims ☐

Family of the victim ☐

Dependants of the victim ☐

If the answer in all three cases is "No", please go to question 39.

If the answer is "Yes", please provide details regarding eligibility (for example, who is entitled to State compensation and for which types of crime).

_____

_____

_____

36. Is State compensation available to nationals of another country who are victimized in your country?

Yes ☐ No ☐

If the answer is "Yes", is this subject to reciprocity? Please explain.

_____

_____

_____

37. What kinds of damage qualify for compensation by the State? (Please tick appropriate box(es).)

Treatment and rehabilitation for physical injuries	☐
Treatment and rehabilitation for psychological injuries	☐
Loss of income	☐
Funeral expenses	☐
Loss of maintenance for dependants	☐
Pain and suffering	☐
Material damages	☐

Other (please specify)

_____

_____

_____

38. How is the State compensation scheme funded? (Please tick appropriate box(es).)

Government funding	☐
Confiscation of offender's assets	☐
Fines	☐
Special tax	☐
Surcharge	☐
Seized proceeds of crime	☐

Other source (please specify)

_____

_____

_____

39. Does your country offer other types of measure to mitigate the negative effects of crime on victims (for example, memorials, formal apologies)?

Yes ☐ No ☐

If the answer is "Yes", please describe.

_____

_____

_____

Part VIII

Research and education/prevention campaigns

40. Please indicate below if any victimization surveys[10] have been conducted in your country in the last 10 years. (Please tick appropriate box(es).)

Ad hoc victimization survey(s) ☐

Periodic victimization survey(s) ☐

Continuous victimization survey ☐

Multipurpose surveys with the inclusion of a module on victimization ☐

Violence against women survey(s) ☐

Other (please specify) ☐

None ☐

41. Please indicate below if there are plans to conduct new victimization surveys in the near future. (Please tick appropriate box(es).)

Ad hoc victimization survey(s) ☐

Periodic victimization survey(s) ☐

Continuous victimization survey ☐

Multipurpose surveys with the inclusion of a module on victimization ☐

Violence against women survey(s) ☐

Other (please specify) ☐

None ☐

[10] "Victimization surveys" are large-scale studies that ask randomly sampled members of the population about their experiences with crime.

42. Does your country have in place measures to prevent the victimization of types of victim known to be at high risk (for example, education or prevention campaigns)?

_____

_____

_____

Part IX

International standards and cooperation

43. Is the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power available to the general public in the official language(s) of your country?

Yes ☐ No ☐

Please specify.

_____

_____

_____

44. Are the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime available to the general public in the official language(s) of your country?

Yes ☐ No ☐

Please specify.

_____

_____

_____

45. Have the professionals[11] who come into contact with victims been made aware of the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power?

Yes ☐ No ☐

If the answer is "Yes", please explain how this was done.

_____

_____

_____

[11] "Professionals" is used in the broader sense to include volunteers (see Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 9 (b)).

46. Have the professionals who come into contact with child victims and witnesses been made aware of the provisions of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime?

Yes ☐ No ☐

If the answer is "Yes", please explain how this was done.

_____

_____

_____

47. Has your country put in place measures to cooperate with other countries in providing assistance and protection to victims of crime?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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_____

Part X

Technical assistance

48. Have you encountered any difficulties in the use and application of United Nations standards and norms related to victims in your country?

Yes ☐ No ☐

If the answer is "Yes", please provide details.

_____

_____

_____

49. Are you aware of opportunities for technical assistance in this area that might be available through United Nations agencies?

Yes ☐ No ☐

50. Does your country need technical assistance in the use and application of United Nations standards and norms related primarily to victim issues?

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

_____

_____

51. Is your country in a position to provide technical assistance (for example, sharing of good practices) in the use and application of United Nations standards and norms related primarily to victim issues?

Yes ☐ No ☐

If the answer is "Yes", please specify.

_____

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_____